CITY OF HILLS
STATE OF MINNESOTA

ORDINANCE NO. 22

AN ORDINANCE REGULATING THE USE OF CANNABIS AND CANNABIS DERIVED PRODUSTS IN PUBLIC PLACES

Whereas the City of Hills are charged with protecting the public health and safety and wish to exercise such authority by regulating the use of cannabis and cannabis derived products in public places of public accommodation with City of Hills city limits

Whereas by enacting 2023 Session Law, Chapter 63, H. F. No. 100 (hereafter referred to "State Legislation"), the Minnesota Legislature enacted the adult-use cannabis law. Under that bill, the adult use, possession and personal growing of cannabis became legal August 1, 2023, and

Whereas State legislation authorizes adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. See State Legislation Article 4, Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statute.

Whereas the City of Hills wishes to be proactive in protecting public Health and safety by enacting regulations that will mitigate threats presented to the public by the public use of cannabis

The City of Hills recognizes the risks that unintended access and use of cannabis products present to the health, welfare, and safety of youth and non-cannabis users within the City of Hills.

THE CITY COUNCIL OF THE CITY OF HILLS HEREBY ORDAIN AND AMEND THE CODE OF ORDINANCES, ADDING A NEW CHAPTER AS FOLLOWS:

PUBLIC USES OF CANNABIS AND CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES

TITLE

This Chapter shall be known and referenced as the Public Use of Cannabis and Cannabis Derived Products in Public Places Ordinance.

DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have meanings ascribed to them except where the context clearly indicates a different meaning.

(A) Office. "Office" means the State of Minnesota Office of Cannabis Management created by the State Legislation.

(B) Adult-use cannabis flower. "Adult-use cannabis flower" means cannabis flower that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-used cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer product.

(C) Adult-use cannabis products. "Adult-use cannabis product" means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

(D) Cannabis flower. "Cannabis flower" means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

(E) Cannabis product. "Cannabis product" means any of the following:

(1) cannabis concentrate;

(2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or

(3) any other product that contains cannabis concentrate.

(F) Hemp derived consumer products.

(1) "Hemp derived consumer products" means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and;

(i) contains or consists of hemp plant parts; or

(ii) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

(2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edible, hemp-derived topical products, hemp fiber products, or hemp grain.

(G) Lower-potency hemp edible. A "lower-potency hemp edible" means any product that:

(1) is intended to be eaten or consumed as a beverage by humans;

(2) contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;

(3) is not a drug;

(4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;

(5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;

(6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;

(7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and

(8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

(H) Public place. A "public place", means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, schools, daycares or other places of public accommodation.

(I)Place of public accommodation. "Place of public accommodation" means a business refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public."

(J) Exceptions to public places or place of public accommodation. "A public place" or "a place of public accommodation" does not include the following:

(1) a private residence, including the individual's curtilage or yard.

(2) a private property, not generally accessible by the public; or

(3) on the premises of an establishment or event licensed to permit on-site consumption of cannabis or cannabis derived products.

(K) Smoking. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

JURISDICTION

This Ordinance shall be applicable within the legal boundaries of the City of Hills.

PROHIBITED ACTS

(A) No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer product in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation Article 4, Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statue.

(B) No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor could be inhaled by a minor. See State Legislation Article 1, Sec. 9 Minn. Stat. 342.09, Subd. 1(b)(9) or successor statue.

PENALTY

Subd. 1. Criminal Penalty. A violation of this ordinance shall be a petty misdemeanor having a fine payable up to $300. Nothing in this ordinance prohibits the City of Hills from seeking prosecution for an alleged violation.

SEVERABILITY

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

ADOPTED BY THE City Council of Hills, Minnesota this 10th day of October, 2023.

Keith Elbers, Mayor City of Hills

Attest: _____
Connie Wiertzema
City of Hills Clerk-~~Treasurer~~

ORDINANCE NO. 23

AN ORDINANCE AUTHORIZING AND REGULATING THE CONDUCT OF LAWFUL GAMBLING WITHIN THE CITY OF HILLS, MINNESOTA

The City Council of Hills, Minnesota ordains:

SECTION 1. ADOPTION OF STATE LAW BY REFERENCE

The provisions of Minn. Stat. ch. 349, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, provisions relating to sales, and all other matters pertaining to lawful gambling are hereby adopted by reference and are made a part of this ordinance as if set out in full. It is the intention of the Council that all future amendments of Minn. Stat. ch. 349, are hereby adopted by reference or referenced as if they had been in existence at the time this ordinance was adopted.

SECTION 2. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW

The Council is authorized by the provisions of Minn. Stat. § 349.213, as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on gambling within its limits beyond those contained in Minn. Stat. ch. 349, as it may be amended from time to time.

SECTION 3. PURPOSE

The purpose of this ordinance is to regulate lawful gambling within the City of Hills, to prevent its commercialization, to ensure the integrity of operations, and to provide for the use of net profits only for lawful purposes.

SECTION 4. DEFINITIONS

In addition to the definitions contained in Minn. Stat. § 349.12, as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

BOARD, as used in this ordinance, means the State of Minnesota Gambling Control Board.

CITY, as used in this ordinance, means the City of Hills.

COUNCIL, as used in this ordinance, means the City Council of the City of Hills.

LICENSED ORGANIZATION, as used in this ordinance, means an organization licensed by the Board.

LOCAL PERMIT, as used in this ordinance, means a permit issued by the city.

TRADE AREA, as used in this ordinance, means City of Hills City Limits and Martin Township.

SECTION 5. APPLICABILITY
This ordinance shall be construed to regulate all forms of lawful gambling within the city except bingo conducted within a nursing home or a senior citizen housing project or by a senior citizen organization if the prizes for a single bingo game do not exceed $10, total prizes awarded at a single bingo occasion do not exceed $200, only members of the organization, residents of the nursing home or housing project, and their guests, are allowed to play in a bingo game, no compensation is paid for any persons who conduct the bingo, and a manager is appointed to supervise the bingo.

SECTION 6. LAWFUL GAMBLING PERMITTED
Lawful gambling is permitted within the city provided it is conducted in accordance with Minn. Stat. §§ 609.75-.763, inclusive, as they may be amended from time to time; Minn. Stat. §§ 349.11-.23, inclusive, as they may be amended from time to time; and this ordinance.

SECTION 7. COUNCIL APPROVAL
Lawful gambling authorized by Minn. Stat. §§ 349.11-.23, inclusive, as they may be amended from time to time, shall not be conducted unless approved by the Council, subject to the provisions of this ordinance and state law.

SECTION 8. APPLICATION AND LOCAL APPROVAL OF PREMISES PERMITS
Subd. 1. Any organization seeking to obtain a premises permit from the Board shall file with the city clerk an executed, complete duplicate application, together with all exhibits and documents accompanying the application as will be filed with the Board.

Subd. 2. Upon receipt of an application for issuance of a premises permit, the city clerk shall transmit the application to the county sheriff for review and recommendation.

Subd. 3. The county sheriff shall investigate the matter and make the review and recommendation to the City Council as soon as possible, but in no event later than 45 days following receipt of the notification by the city.

Subd. 4. The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

Subd. 5. The Council shall receive the county sheriff's report and consider the application within 45 days of the date the application was submitted to the city clerk.

Subd. 6. The Council shall by resolution approve or disapprove the application within 60 days of receipt of the application.

Subd. 7. The Council shall deny an application for issuance or renewal of a premises permit for any of the following reasons:

(i) Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three (3) years.

(ii) Violation by the on-sale establishment or organization leasing its premises for gambling of any state statute, state rule, or city ordinance relating to the operation of the establishment, including, but not limited to, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice, and protection of public safety within the last three (3) years.

(iii) Lawful gambling would be conducted at premises other than those for which an on-sale liquor license has been issued.

(iv) Lawful gambling would be conducted at more than one (1) premises within the city.

(v) An organization would be permitted to conduct lawful gambling activities at more than one (1) premises in the city.

(vi) More than one licensed organization would be permitted to conduct lawful gambling activities at one (1) premises.

(vii) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

Otherwise, the Council shall pass a resolution approving the application.

SECTION 9. REVOCATION AND SUSPENSION OF LOCAL PERMIT

Subd. 1. A local permit may be revoked or temporarily suspended for a violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling.

Subd. 2. A license shall not be revoked or suspended until written notice and an opportunity for a hearing have first been given to the permitted person. The notice shall be personally served or sent by certified or registered mail. If the person refuses to accept notice, notice of the violation shall be served by posting it on the premises. Notice shall state the provision reasonably believed to be violated and shall also state that the permitted person may demand a hearing on the matter, in which case the permit will not be suspended until after the hearing is held. If the permitted person requests a hearing, the Council shall hold a hearing on the matter at least one week after the date on which the request is made. If, as a result of the hearing, the Council finds that an ordinance violation exists, then the Council may suspend or revoke the permit.

SECTION 10. LICENSE AND PERMIT DISPLAY
All permits issued under state law or this ordinance shall be prominently displayed during the permit year at the premises where gambling is conducted.

SECTION 11. NOTIFICATION OF MATERIAL CHANGES TO APPLICATION
An organization holding a state-issued premises permit or a local permit shall notify the city within ten (10) days in writing whenever any material change is made in the information submitted on the application.

SECTION 12. DESIGNATED TRADE AREA
Subd. 1. Each organization licensed to conduct gambling within the city shall expend one hundred percent (100%) of its lawful purpose expenditures on lawful purposes conducted within the city's trade area.

Subd. 2. This section applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premises within the city's jurisdiction.

SECTION 13. RECORDS AND REPORTING
Subd. 1. Organizations conducting lawful gambling shall file with the city clerk one copy of all records and reports required to be filed with the Board, pursuant to Minn. Stat. ch. 349, as it may be amended from time to time, and rules adopted pursuant thereto, as they may be amended from time to time. The records and reports shall be filed on or before the day they are required to be filed with the Board.

Subd. 2. Organizations licensed by the Board shall file a report with the city proving compliance with the trade area spending requirements imposed by Section 16. Such report shall be made on a form prescribed by the city and shall be submitted annually.

SECTION 14. HOURS OF OPERATION
Lawful gambling shall not be conducted between 1 a.m. and 8 a.m. on any day of the week.

SECTION 15. PENALTY
Any person who violates any provision of this ordinance; Minn. Stat. §§ 609.75-609.763, inclusive, as they may be amended from time to time; or Minn. Stat. §§ 349.11-349.21, as they may be amended from time to time; or any rules promulgated under those sections, as they may be amended from time to time, shall be guilty of a misdemeanor and subject to a fine of not more than $1,000 or imprisonment for a term not to exceed 90 days, or both, plus in either case the costs of prosecution. In addition, violations shall be reported to the Board and recommendation shall be made for suspension, revocation, or cancellation of an organization's license.

SECTION 16. SEVERABILITY
If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 17. EFFECTIVE DATE
This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted by the Hills City Council of Hills, Minnesota this 10th day of October, 2023.

Keith Elbers, Mayor

Attested:

Connie Wiertzema, City Clerk-Treasurer

CITY OF HILLS, MINNESOTA
INFLOW AND INFILTRATION ORDINANCE

ORDINANCE NO. 24

AN ORDINANCE FOR THE REDUCTION OF CLEAR WATER IN THE SANITARY SEWER SYSTEM

The City Council of Hills, Minnesota, finds that the discharge of water from roof, surface, groundwater, sump pump, footing tile or swimming pools, or other natural precipitation into the municipal sanitary sewer system has the potential to cause property damage and overload the municipal and regional sanitary sewer systems. The City Council therefore finds it essential for the maintenance of health, minimization of property damage, and to maintain the life and capacity of the wastewater treatment system that the provisions of this ordinance be strictly enforced.

The City Council of Hills, Minnesota ordains:

Section 1: Applicability
This ordinance shall apply to all water entering the sanitary sewer system unless explicitly exempted by the City. The City and its representatives are authorized to administer, implement, and enforce the provisions of this ordinance.

Section 2: Definitions
For the purposes of this Ordinance, the following terms are defined:

Clear water means storm water, natural precipitation, melting snow, ground water, roof drainage, ground surface and subsurface drainage, down spout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or any other water that is not required to be treated by state or federal law. Swimming pool water that is required to be treated in accordance with city, county or state regulations shall not be considered clear water.

Sewer service lateral means all sewer service pipes that extend from the municipal sewer main to the structure that is serves.

Section 3: Compatibility with Other Regulations
This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall apply.

Section 4: Prohibition Against Discharge into the Sanitary Sewer System
No person shall discharge or cause to be discharged into the municipal sanitary sewer collection

system, or infiltrate into the sanitary sewer system any clear water because of a sump pump, defective plumbing, a defective sewer service lateral or by any other means.

Section 5: Sump Pump Regulation
Any dwelling, structure or building that has a sump pump discharge system to remove groundwater from its foundation drain must have a permanently installed discharge line.

A "permanently installed discharge line" shall be one which provides for year-around discharge capability to either the outside of the dwelling, building or structure, or is connected to the City storm sewer. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge and, if connected to the City storm sewer line, include a check valve. It shall not be capable of connection or re-connection to the municipal sanitary sewer system.

Section 6: Inspection
Prior to any sale or transfer of the entire fee interest or any partial interest of improved real estate, any owner thereof shall obtain an inspection of each building located on such property by an inspector designated by the City. The purpose of this city inspection shall be to confirm that there is no prohibited discharge into the municipal sanitary sewer system. The City shall pay the cost of said inspection if the inspector is designated by the City.

This inspection requirement may also be met by having the property owner contract with a licensed plumber to perform the inspection. The plumber must inspect the property's sump pump, sewer service lateral, and groundwater drainage system, and upon completion, return an inspection form provided by the City documenting the results of the inspection. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

The owner of owner's representative is required to complete an inspection and obtain a certificate of compliance issued by the City before such property is offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property.

A certificate of compliance shall be issued by the City upon successful completion of an inspection. A certificate of compliance shall be valid until the property is again offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property.

Section 7: Corrections
Upon notice that the discharge of clear water on a property is not in compliance with this ordinance, the owner or occupant of the property shall cease from discharging clear water in violation of this ordinance and shall make the necessary repairs and corrections to discharge the clear water in accordance with this ordinance; all costs to bring the subject property compliance with this ordinance shall be the responsibility of the property owner or occupant of the property, unless responsibility therefore is agreed to between the owner and any party purchasing or

receiving an interest in the subject real property. Discharge of clear water in compliance with this ordinance shall be completed within Ninety (90) days of the date of notice of noncompliance, or as determined by the public works director. Upon completion of any repairs or alterations to conform to the requirements of this Ordinance the owner of the property shall, within 30 days of said repairs or alterations provide the City with proof of said repairs or alterations.

If the property is being sold or transferred and the discharge system is shown by the inspection to not be in compliance, then the parties to the transfer must obtain an estimate from a party licensed to do the work required to bring the system into compliance, and 150% of the amount of said estimate must be put into escrow with a third party or with the city to be held and the necessary portion thereof utilized to bring the system into compliance. Any balance of said escrowed fund not used to bring the subject system into compliance shall be returned to the appropriate party as found in the agreement made between the transferor and the transferee.

Section 8: Violations
A monthly surcharge in an amount duly adopted by the City Council and set forth in the City's fee schedule shall be assessed against any property on which clear water is discharged in violation of this ordinance. The monthly surcharge will be charged on the property's municipal utility billing statement if one or more of the following conditions apply: (1) an inspection as required herein has not been allowed by the property owners or occupant or a certificate of compliance has not been issued by the city within ___ days after the city's notice of inspection; (2) the property owner or occupant fails to make the sewer line cleanout readily available for the inspection; (3) the necessary corrections have not been made within the time specified; and (4) the property owner or occupant reconnects a clear water discharge line to the municipal sanitary sewer system after it has been previously disconnected at the city's or a court's direction. A surcharge will be assessed for every month during which the property is not in compliance.

Section 9: Temporary Waivers
The City may grant a temporary waiver from the provisions of this Ordinance where strict enforcement would cause a threat of damage or harm to other property, the environment, or public safety because of circumstances unique to the individual property or due to weather conditions. A written request for a temporary waiver much be first submitted to the public works director specifying the reasons for the temporary waiver.

After expiration of a temporary waiver, the property owner shall comply with the provisions of this ordinance.

Section 10: Appeals
Applications for appeal of any administrative determination made pursuant to this Ordinance shall be addressed in writing to the Hills City Council within 30 days of the determinations.

Applications shall at a minimum identify the property for which the appeal is sought, the name of the property owner, the basis for the appeal, and describe in detail the determination which is being appealed. Within Sixty (60) days of receipt of the application, the Hills City Council shall make its decision on the matter and send a written copy of such decision to the property owner by

mail.

Section 11: Severability and Validity
The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances be declared by a court of competent jurisdiction to be invalid, such invalidity shall not effect the validity of other provisions or application of this ordinance.

Passed by the City Council of Hills, Minnesota this 12th day of March, 2024.

Mayor

Attested:

City Clerk